

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDUARDO ALVARADO,

Plaintiff,

v.

ORDER

JUAN DE LA CRUZ,

22-CV-06509 (PMH)

Defendant.

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PHILIP M. HALPERN, United States District Judge:

Plaintiff commenced this action on August 1, 2022 against Defendant Juan De la Cruz. (Doc. 1). A summons was issued for Defendant on August 2, 2022, and the summons was returned executed on November 4, 2022. (Doc. 7, 9). Defendant's answer was initially due on November 18, 2022. (Doc. 9). Plaintiff, rather than seeking a default judgment on the original Complaint, filed an Amended Complaint on February 8, 2023 with the Court's permission, in order to add an opt-in Plaintiff. (Doc. 17). Under Federal Rule of Civil Procedure 15(a)(3), Defendant's answer to the Amended Complaint was due February 22, 2023. Defendant never filed such an answer and is currently in default. Plaintiff, however, has not yet sought a Clerk's Certificate of Default.

As there has been no activity on this docket since the Amended Complaint was filed nearly two months ago, Plaintiff is directed to submit a letter to the Court via ECF concerning the status of this action by April 20, 2023. Failure to do so will result in dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b).

SO-ORDERED:

Dated: White Plains, New York
April 6, 2023



Philip M. Halpern
United States District Judge